

Appl. No. : **10/563,731**
Filed : **January 6, 2006**

REMARKS

Presently, Claims 1, 6-8, and 11 have been amended. Support for these amendments can be found in the specification and claims as originally filed (e.g. page 10, lines 11-36 and Claims 1-17). Accordingly, no new matter has been introduced.

Restriction Requirement

In response to the Examiner's Restriction Requirement mailed November 1, 2007, Applicants elect, without traverse, to proceed with examination directed towards Group I, identified by the Examiner as encompassing Claims 1-2, 4, 6-11, and 13-15, drawn to an adjuvant comprising a cationic surfactant and an antigenic component and a delivery system. The Examiner has also required Applicant to elect a species. Pursuant to linking claim practice and for the purpose of examination only, Applicants elect the species DDA, as the surfactant.

Anticipation by Liu, et al. US Pub. No. 20020044951

The Examiner submits that the technical feature of Group 1 is anticipated by Liu because Liu "teaches an adjuvant comprising a cationic surfactant (DOTAP) and an antigenic component comprising an apolar fraction or part of total lipid extract of a mycobacterium." *Office Action* at 2. The Examiner cites to Liu paragraph [0049] to support the use of DOTAP which is disclosed as a carrier phospholipid. Additionally, the Examiner cites to paragraphs [0031] and [0059] as teaching an adjuvant comprising a surfactant and "an antigenic component comprising an apolar fraction or part of total lipid extract of a mycobacterium." *Office Action* at 2.

Respectfully, Claim 1, recites "[a]n adjuvant" comprising a cationic surfactant and an apolar fraction or part of the apolar fraction of the total lipid extract of a mycobacterium. Liu does not disclose "an adjuvant" that is a mixture of the cationic surfactant and the lipid extract, as claimed by Applicants. In contrast, Liu describes the addition of adjuvants such QS-21. *Liu* at paragraph [0049]. Liu describes the addition of more adjuvants including a "mineral salt adjuvant, Incomplete or Complete Freund's Adjuvant, Bacille Calmette-Guerin adjuvant, block polymer adjuvant, cholera toxin, cytokines, CpG motif-containing adjuvant, oil/water emulsion adjuvant, MF-59 adjuvant, LeIF adjuvant, liposome adjuvant, ISCOM adjuvant,

Appl. No. : **10/563,731**
Filed : **January 6, 2006**

Monophosphoryl lipid A adjuvant, biodegradable microsphere adjuvant, muramyl dipeptide adjuvant, polyphosphazene adjuvant, and a saponin adjuvant.” *Liu* at [0059]. Therefore Applicants respectfully submit that *Liu* does not anticipate the claimed invention because *Liu* does not describe an adjuvant that comprises a “cationic surfactant and an apolar fraction or part of the apolar fraction of a total lipid extract of a mycobacterium” as recited in Claim 1, and request that the rejection be withdrawn.

In view of the foregoing, Applicants submit that the application is in condition for examination on the merits. If, however, the Examiner believes that any additional issue remains or requires clarification, the Examiner is respectfully requested to call the agent of record in order to more expeditiously advance the examination of this application.

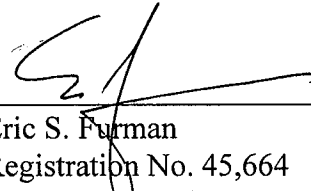
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Feb. 28, 2008

By: _____


Eric S. Furman
Registration No. 45,664
Agent of Record
Customer No. 20,995
(619) 235-8550

4933555
022608